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GENERAL DISCUSSION ON PROGRESS IN THE IMPLEMENTATION OF AGENDA 21, FOCUSING ON THE CROSS-SECTORAL COMPONENTS OF AGENDA 21 AND THE CRITICAL ELEMENTS OF SUSTAINABILITY

Draft decision submitted by the Chairman

Decision-making structures

1. The Commission welcomes the entry into force of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, as well as the adoption of the Declaration of Barbados and the Programme of Action for the Sustainable Development of Small Island Developing States, and urges that appropriate follow-up action be taken. The Commission supports the successful conclusion in June 1994 of the negotiations for the elaboration of an International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and calls upon all States to accelerate progress in the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and to promote the successful conclusion of the Intergovernmental Conference on the Protection of the Marine Environment from Land-based Activities, to be held in Washington, D.C., in November 1995.

2. The Commission expresses its appreciation to the Government of Austria for organizing the International Symposium on Sustainable Development and International Law, held at Baden bei Wien from 14 to 16 April 1994. The Commission welcomes the report of that Symposium (E/CN.17/1994/16), which opens a new promising avenue in the field of codification and development of international law in support of the fulfilment of the goals and objectives of Agenda 21 and the Rio Declaration on Environment and Development. The Commission recommends that relevant international treaty regimes contain effective machinery for consensus-building and dispute settlement. The Commission requests the United Nations Environment Programme to study further the concept, requirements and implications of sustainable development and international law.

3. The Commission, having examined the report of the Secretary-General containing an overview of cross-sectoral issues (E/CN.17/1994/2), in particular section IV on decision-making structures, takes note of the important measures taken by Governments to integrate environment aspects into the development process within their decision-making structures, and requests all States and relevant intergovernmental organizations to submit, or continue to submit, information on an annual, voluntary basis on the implementation of Agenda 21, the Rio Declaration on Environment and Development and other agreements and conferences related to the United Nations Conference on Environment and Development (UNCED), as appropriate.

4. The Commission also notes the setting up by the Secretary-General of the High-level Advisory Board on Sustainable Development, and emphasizes the desirability of fostering close interaction between the Board and the Commission, including its Bureau.

5. The Commission takes note of the background paper containing the report entitled "Decision-making structures: international legal instruments and mechanisms", prepared by the task manager designated by the Inter-Agency Committee on Sustainable Development (IACSD). The Commission urges the Secretary-General to give high priority to coordination through the work of IACSD. The Commission supports the designation by IACSD of task managers as an important first step to improve coordination, and it calls upon the task managers to provide innovative proposals for ways to achieve more efficient results, including multi-agency joint programming, within available resources. The Commission requests the Secretary-General to inform the Commission on progress made in IACSD towards coordination among United Nations bodies in implementing Agenda 21, the Rio Declaration on Environment and Development and other UNCED-related agreements and conferences, as appropriate. United Nations organizations, as well as international and regional financial institutions, intergovernmental organizations and other relevant institutions are invited to give priority to the implementation of Agenda 21, the Rio Declaration, and UNCED-related agreements and conferences, as appropriate.

6. The Commission emphasizes the importance of creating appropriate national frameworks for the implementation of Agenda 21 and other relevant agreements and conferences, bearing in mind the need for a progressive provision of financial resources and technology transfer, where appropriate. In this respect, the Commission requests all States to establish the necessary coordinating machinery for the promotion of sustainable development. The Commission also calls upon the United Nations system, through the IACSD task managers, to coordinate its capacity-building activities and to develop joint programming for this purpose, wherever feasible.

7. In accordance with their national sustainable development priorities, developing countries should, as appropriate, be supported in strengthening their capacity in the development or streamlining of sustainable development strategies, the development and maintenance of environmental law, including the development of environmental impact assessment procedures, as well as their capacity to participate effectively in the development of international law related to sustainable development, and the elaboration of conventions and other international instruments in this field.

8. The Commission recognizes the importance of full participation of all interested parties in the negotiation of international agreements relating to sustainable development, and therefore calls upon the relevant bodies to promote the provision, through transparent and accountable mechanisms, of financial support for the participation, in negotiating forums, of developing countries, in particular the least developed countries, at their request.

9. The Commission recommends that States and international organizations consider the use of partnerships with business and non-governmental communities leading to non-legally binding agreements as first steps in the preparation of international regulations.

10. The Commission notes the need for coordination and more efficient structural arrangements among the secretariats of conventions related to sustainable development.